



# Proposed interim guidance for watercraft access projects that may indirectly affect the Florida manatee

## Background

Manatees are a federally protected species under both the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361-1407). Historically, collisions with watercraft are responsible for about 25 percent of all manatee deaths and about 80 percent of all human-caused mortality in manatees. Successful recovery of the manatee is greatly dependent on controlling and reducing this source of injury and mortality. In *Save the Manatee Club, et al., v. Ballard, et al.*, Civil Action No. 00-00076, several organizations and individuals filed suit against the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers alleging violations of the Endangered Species Act, Marine Mammal Protection Act, National Environmental Policy Act, and Administrative Procedure Act. Four groups representing development and boating interests intervened. Following extensive negotiations, a settlement Agreement was approved by the Court on January 5, 2001. Under the terms of the settlement, the Service agreed to implement a number of actions for manatee conservation one of which is to revise and make available for public review an interim strategy to improve procedures for reviewing permit applications to construct docks, ramps, and marinas in manatee habitat while developing regulations to allow for take of manatees under the Marine Mammal Protection Act.

## Issue

The interim strategy provides guidance to individuals, local governments, State agencies, and Federal agencies for incorporating conservation measures into their project designs so that the proposed projects would not likely cause incidental take of the manatee. Under this interim strategy, we will evaluate projects, on a case-by-case basis, to determine if: (1) adequate speed zones exist in the areas expected to have increased watercraft traffic as a result of the project; (2) signage of these zones is adequate; and (3) speed zone enforcement in these areas will be sufficient to prevent watercraft collisions from occurring as a result of the project. We believe that increased manatee speed zone enforcement is the primary conservation measure through which such projects could reduce the incidental take associated with watercraft collisions to an unlikely to occur level. This increase in law enforcement would provide added benefits to the manatees by ensuring that those watercraft already on the water would also obey the speed zones currently in place. Permit applicants have the option to provide these conservation measures through an agreement with a law enforcement organization or through contributions to a conservation fund.

## Status

We have forwarded the manatee interim guidance document for publication in the *Federal Register*. The document reflects our findings on the conditions under which we could determine that a proposed dock, ramp or marina is unlikely to have adverse effects on manatees or their habitat. These conditions and measures to protect the manatee were developed using the best scientific and commercial data available. During the time the guidance document is available for public comment, we will continue to fulfill our section 7 consultation responsibilities in reviewing such projects based on the principles stated in this guidance. These principles may change as information is received through the public comment process or if new or more detailed information is brought to our attention.

## Questions

If you have any questions or need assistance, please contact our South Florida Field Office at 561/562-3909, extensions 229 or 240.